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5 Counsel for KARI BOWYER,  
6 Trustee in Bankruptcy  
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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 In re  
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12 SERGIO ROLDAN  
13 aka SERGIO RAFAEL ROLDAN  
14 AND  
15 ADRIANA M BUENAVENTURA  
16 aka ADRIANA MARIA LONDONO,  
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18 Debtors.  
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Case No. 17-50794 MEH  
Chapter 7  
Hon. M. Elaine Hammond  
**EX PARTE APPLICATION FOR ORDER  
AUTHORIZING RETENTION OF  
SPECIAL COUNSEL  
(Law Offices of Todd Rothbard)**  
[No Hearing Requested]

Kari Bowyer, Trustee in Bankruptcy ("Trustee" or Applicant") of the estate of the above-named Debtors, respectfully represents:

1. Applicant seeks, pursuant to Bankruptcy Code § 327, authorization to engage the services of an attorney specializing in residential real property unlawful detainer to assist her in obtaining necessary Court orders in order to obtain possession of residential real property commonly referred to as 1050 Ortega Circle, Gilroy, California ("Property") including, if necessary, filing and prosecuting an unlawful detainer action.

2. The Property became a Section 541 asset of the Debtors' estate on or about June 20, 2018, following a duly conducted foreclosure sale of the Property. The Trustee is informed that the Property is occupied by Bert Birmingham, Loretta Birmingham and possibly Jeffrey Whalen. Bert Birmingham is presently a Chapter 13 debtor in a case pending in the United States

1 Bankruptcy Court for the Northern District of California, San Jose Division as Case No. 16-53437  
2 MEH. The Bankruptcy Court entered a relief from stay order in the Birmingham bankruptcy case  
3 on July 17, 2017, which authorized, among other things, the Debtors' bankruptcy estate to proceed  
4 under non-bankruptcy law to foreclose rights and remedies in the Property, including obtaining  
5 rights of possession. *See*, Relief From Stay Order, Docket 31 in the Birmingham bankruptcy case.

6 3. The Trustee has contacted Todd Rothbard of the Law Offices of Todd Rothbard,  
7 who specializes in landlord-tenant law in Santa Clara County and who has come highly  
8 recommended to her.

9 4. The Law Offices of Todd Rothbard has agreed to act as special counsel for the  
10 Trustee for the matters set forth herein. It is anticipated that Mr. Rothbard will be the primary  
11 attorney responsible for representing the estate in this matter. Mr. Rothbard charges a fixed fee of  
12 \$2,400 for matters of this type, plus actual court costs which he anticipates to be approximately  
13 \$585.

14 5. By this Application, the Trustee is seeking authority to retain the Law Offices of  
15 Todd Rothbard as her special counsel with regard to landlord-tenant matters. All fees to be paid to  
16 the Law Offices of Todd Rothbard and all costs reimbursed to the Law Offices of Todd Rothbard  
17 shall be subject to notice to creditors and Bankruptcy Court approval.

18 6. Based on the declaration of Mr. Rothbard, the Trustee is informed and believes that  
19 he has no connection with the Debtors, the Trustee, the Birminghams, Mr. Whalen, the Trustee's  
20 professionals, creditors or their professionals, the United States Trustee or persons employed in  
21 the Office of the United States Trustee and is a disinterested person in these proceedings.

22 7. Attached to this Application is a copy of the proposed order authorizing the  
23 employment of the Law Offices of Todd Rothbard as Trustee's special counsel in this case.

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1 WHEREFORE, the Trustee requests entry of an order authorizing her to employ the Law  
2 Offices of Todd Rothbard as her special counsel with regard to landlord-tenant issues.

3 DATED: August 27<sup>th</sup>, 2018

4  
5 By:   
6 KARI BOWYER,  
7 Trustee in Bankruptcy

8 DATED: August 27, 2018 RINCON LAW LLP

9  
10 By: /s/ Gregg S. Kleiner  
11 GREGG S. KLEINER  
12 Counsel for KARI BOWYER,  
13 Trustee in Bankruptcy

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5 Counsel for  
6 KARI BOWYER,  
7 Trustee in Bankruptcy

8 UNITED STATES BANKRUPTCY COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 In re

Case No. 17-50794 MEH  
Chapter 7  
Hon. M. Elaine Hammond

12 SERGIO ROLDAN  
13 aka SERGIO RAFAEL ROLDAN  
14 AND  
15 ADRIANA M BUENAVENTURA  
16 aka ADRIANA MARIA LONDONO,

**ORDER AUTHORIZING RETENTION OF  
SPECIAL COUNSEL  
(Law Offices of Todd Rothbard)**

17 Debtors.

18 On the Application of Kari Bowyer, Trustee in Bankruptcy, and it appearing that the Law  
19 Offices of Todd Rothbard is well qualified to act as special counsel for the Trustee, the employment  
20 of special counsel will be in the best interest of the estate, that said special counsel represents no  
21 interest adverse to the estate and that notice herein is not necessary in connection with said  
22 Application,

23 IT IS HEREBY ORDERED THAT:

24 1. The Trustee is authorized to employ the Law Offices of Todd Rothbard pursuant to  
25 11 U.S.C. § 327 as her special counsel to assist in, among other things, filing and prosecuting  
26 unlawful detainer actions and all other actions deemed necessary and appropriate to result in the  
27 eviction of any and all tenants and occupants of that certain real property commonly referred to as  
28 1050 Ortega Circle, Gilroy, California.

1           2. The Trustee is authorized to enter into the Fee Agreement attached as Exhibit A to  
2 the Declaration of Todd Rothbard.

3           3. All fees paid to the Law Offices of Todd Rothbard and all costs reimbursed to the  
4 Law Offices of Todd Rothbard shall be subject to notice to creditors and Bankruptcy Court approval.

5           **\*\*\*END OF ORDER\*\*\***

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